IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.23378-M of 2006
Date of Decision:- 10.12.2007

Raj Kishore Makani ....Petitioner(s)

through
Mr.Rahul Vats, Advocate

vs.

Ojasavi Kumar and others ....Respondent(s)

through
Mr. , Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

In this petition under Section 482 Cr.P.C., the petitioner is aggrieved at the order dated 31.7.2001 passed by the learned Additional Chief Judicial Magistrate, Chandigarh which has been further upheld by the learned Additional Sessions Judge, Chandigarh vide his judgment and order dated 5.11.2005 whereby the private respondents No.1 to 5 have been released on probation in a case arising out of F.I.R.No.140 dated 16.9.1996 under Sections 147/149/323 IPC, registered at Police Station East, Chandigarh.

As per the allegations, the private respondents had manhandled Smt.Kanta Rani Makani-wife of the petitioner.

The learned trial Court held respondents No.1 to 5 guilty of the manhandling the wife of the petitioner, however, having regard to the various circumstances, they were directed to be released on probation

which was held to be commensurate with the nature of offence committed by them.

The private respondents thereafter preferred an appeal against their conviction but the same was dismissed by the learned Sessions Judge, Chandigarh, however, the order of releasing the private respondents on probation was upheld.

Aggrieved, the petitioner has approached this Court.

There is no denial to the fact that the private respondents are the first offenders; no other case is ever reported to be registered or pending against them. While respondents No.3 and 4 are married women, respondent No.5 is an unmarried young girl. Respondent No.1 too does not have any criminal history. In these circumstances, when private respondents have been held guilty of committing an offence under Section 323 IPC, the view taken by the Courts below to release them on probation is absolutely justified and warrants no interference by this Court.

Dismissed.

December 10, 2007 **(SURYA KANT)**
poonam **JUDGE**